

WEATHER.

Rain or snow, probably rain, to-night and Wednesday; warmer tonight; east to south winds.

No. 18,717.

WASHINGTON, D. C., TUESDAY, DECEMBER 26, 1911—FOURTEEN PAGES.

The Star is the only afternoon paper in Washington that prints the news of the Associated Press.

CONTAINING PAGE 11 CLOSING NEW YORK STOCK QUOTATIONS.

ONE CENT.

"KILLED MICKLE" BEFORE GRAND JURY CONGRESS TO DECIDE

Man Confesses Slaying to the Baltimore Authorities.

LOCAL POLICE SKEPTICAL

"John Henry Martin" Says Conscience Led Him to Surrender.

DECLARES HE NEEDED MONEY

Inspector Boardman Sends Detective Baur to Interview Self-Alleged Murderer.

Special Dispatch to The Star.

BAITMORE, Md., December 26.—"I want to surrender myself to the police. Show me the way. I murdered a man in Washington with a monkey wrench."

A man of little over five feet and a half in height startled Lambert H. Thies, a courthouse watchman, shortly before 1 o'clock today by making this startling statement. Watchman Thies led him across the corridor to the office of Marshal Farnan, where Officer James A. Manning asked the stranger what he wanted.

"John Henry Martin is my name," said the stranger. "I want to surrender myself. I murdered a man by the name of Nichols in Washington with a monkey wrench."

Without further questioning the man was ushered into the private office of Marshal Farnan.

"What's wrong with you, young man?" questioned the chief of police, and the man replied: "I am a murderer, and my conscience has been worrying me, for I killed a man with a monkey wrench and I understand another man was arrested for the deed."

"Who was the man?" questioned the chief.

Read of Death in Papers.

"I don't know his first name, but his name is Mickle, and I hit him over the head with a monkey wrench November 17. I did not know he was dead until I read it in the paper a few weeks ago."

"What did you hit him for?"

"I hit him because I needed money and he would not give it to me. I left after hitting him and did not know I had killed him until I read it in an old paper in West Virginia. I read that another man was arrested and charged with the crime and was worried. My conscience troubled me and I just came here about two weeks ago from Berkeley, Va. I have been living at the Levee House so decided to end it all and give myself up. I want to go to Washington. The clear story here I killed the man on 7th street near the Public Library."

Marshal Farnan took the man before the police commissioners, who were in session at the time. They heard him read his story, and agreed with the marshal that the man be held until the Washington authorities could be communicated with.

Later the man who taken into the detective bureau, where he told Marshal Farnan that he had served a term for passing counterfeit money in Leavenworth penitentiary.

At first the police were inclined to believe the man was mentally unsound. He is of fair stature, wears a black suit of clothes and a large black sombrero.

Mr. Farnan immediately telephoned the Washington police, and officers are expected to come to Baltimore immediately. His admission to serving a term in Leavenworth has lent weight to the story, according to the police version.

Later Martin said he was a native of Fort Worth, Tex., and was thirty-one years old. In the presence of witnesses he said:

"I carried the wrench wrapped in brown paper in my side pocket. I did not get a chance to steal anything, which was my intention. When I stole the wrench I intended to sell it."

Martin said he made a confession to a priest, whose name he declined to give, and on the advice of the priest gave himself up to the police.

The following signed confession was made to the police:

"My name is John Henry Martin, and I want to tell how I killed Mr. Mickle in Washington."

"I got the monkey wrench at Woodward's hardware yard in Washington the morning of November 16, and between 6 and 7 o'clock on the same evening I went into the store and did not see anybody."

I happened to look into the back room and saw a man exercising with two chairs. I took the monkey wrench out and hid it in my side pocket. I saw the man go to the door and I followed him. He dropped to the floor after the first blow and then I struck him twice again. He died and I did not know it. I turned and walked out and happened to hear a noise and went into the street. I did not get a chance to steal anything, which was my intention. When I stole the wrench I intended to sell it."

He hid himself in box car.

"I walked to Pennsylvania avenue and took a car and rode out to the freight sheds. I got in a box car, and when I woke up the next morning I was in the Cumberland valley. I left there and went to Norfolk and then to Richmond. After that I went to Berkeley Springs, and came from there to Baltimore."

"I used to live in Baltimore when a boy and was sent to St. Charles industrial school. I also served five years in the Leavenworth penitentiary for passing counterfeit money in Austin, Tex."

"I am conscious of what I am saying and the above statement is the truth in every particular. I make this statement of my own free will."

(Signed) "JOHN H. MARTIN."

Witnesses: "THOMAS F. FARNAN, Marshal of Police." "JOHN WICKERT, Jr., Secretary to Marshal of Police." "JAMES A. MANNING, Patrolman, Headquarters."

Local Police Skeptical.

"Another man who killed Mickle," remarked Inspector Boardman, chief of detectives, this afternoon, as he hung up the receiver of the long-distance telephone in his room at police headquarters after a talk with Baltimore's police chief. Inspector Boardman frankly admitted that he took no stock in the confession made in Baltimore, but he has sent Detective Bauer there to interview Martin.

Bennett, With Face Bandaged, Accuses Smith.

BARELY ABLE TO TALK

Man Assaulted on Benning Road Repeats Story of Attack.

NOT LONG IN THE JURYROOM

But Twelve Minutes to Tell How He Was Battered With Hatchet and Robbed.

Special Dispatch to The Star.

MORRIS BENNETT, the victim of an assault with a hatchet alleged to have been made by James Smith on the hospital last Friday, which was published exclusively in The Star at the time he testified to the grand jury, is still lying in the city hall story of the attack which he says Smith made upon him.

It took the witness just twelve minutes to repeat the story told by him at the hospital last Friday, which was published exclusively in The Star at the time he testified to the grand jury, is still lying in the city hall story of the attack which he says Smith made upon him.

Bennett appeared in good spirits, and with the exception of the bandages which almost covered his head gave no indication of the severe ordeal through which he passed November 18 and which kept him in an unconscious or semi-comatose condition until last Friday.

The wound in the head made by the hatchet appears to be healing rapidly. The broken jaw, however, is still giving the surgeons some concern. As there were several fractures the use of wiring had to be resorted to, and Dr. P. Reeves, the surgeon in charge of the case, is said to be considering the advisability of putting the jaw in a cast. It would be three or four weeks, at least, in the hospital.

Recovered Strength Quickly.

Bennett seems to have recovered his strength quickly. He walked to and from the grand jury room with a firm step and gave no indications of physical weakness.

When Assistant United States Attorney Harvey Given determined to put the Smith case before the grand jury this morning he arranged with the United States marshal's office to send a conveyance to Casualty Hospital to the patient. A glass-enclosed carriage, used by the office of the marshal for conveyance of single prisoners and from the jail, was provided.

The carriage arrived at the hospital about 10:30 o'clock and Dr. H. W. Williams, resident physician at Casualty Hospital, accompanied the patient to the courtroom. Dr. Jaeger said Bennett would not be affected by the trip, as his general health is good, and the modified Benning Road which held and supported the jaw would prevent any ill effects from the ride even in the inclement weather. He stated he expected it would be several weeks before he would discharge Bennett as cured.

Spent Happy Christmas.

While not willing to carry on a conversation, the patient answered several questions put to him by the officers and a representative of The Star as he waited in the private office of Detective Clifford Grant for the assembling of the grand jury. Bennett said he had passed a pleasant yesterday by a visit from his wife and baby, who remained at the hospital about two hours.

The other witnesses examined by the grand jury were Mrs. Bennett, the wife of the victim; Capt. John D. McConnel, the ninth precinct sergeant; and Policemen Trumbo and Strobel and John Walker, at whose home Smith was living prior to the assault, and who identified the hatchet as belonging to the witness.

Walker also told the grand jurors, it is understood, that the awakening of Smith last Friday and his identification of Smith put a new phase on the case, and he given decided he could dispense with many of the witnesses.

The charge which it is expected the grand jury will return today is a charge of assault with intent to kill. The United States attorney has asked for an additional indictment for robbery. It is hoped that in the event of a conviction a double sentence may be imposed on Smith. The maximum penalty of a year in prison and a fine of \$100 for assault with intent to kill is fifteen years' imprisonment, and a like punishment may be meted out for the robbery. It is figured out, a total sentence of thirty years may be secured for the prisoner.

Required to Give Opinion.

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Court Without Jurisdiction in Transfer Case.

JUSTICE WRIGHT'S OPINION

A Question Beyond the Scope of Court's Interpretation.

PUBLIC POLICY IS INVOLVED

Legislation Needed Before Street Car Problem Can Be Settled by Courts.

Special Dispatch to The Star.

Advocate of universal transfers for Washington must look to Congress. Justice Wright of the District Supreme Court today dismissed for lack of jurisdiction the petition of the receiver of the Baltimore and Washington Transit Company to compel the Capital Traction Company to enter into reciprocal transfer arrangements at 14th and Kennedy streets.

The court sustained the motion of the traction company to quash the petition on the finding that the court has no jurisdiction over the subject matter of the complaint. The primary question involved, the court held, was the determination of the proportionate share of the five-cent fare to be received by the companies in interest. This division, the court finds, is the function of Congress, to be exercised in specific legislation, and is not a function to be discharged by the court.

Will Note an Appeal.

Attorneys H. F. Lorch and H. W. Williams, representing the receiver who instituted the proceedings, will note an appeal from the court's decision. Attorneys Ross Perry & Son and G. T. Dunlop argued the case for the Capital Traction Company.

"It has not been the function of judicial tribunals," says Justice Wright in opinion, "to moderate the determination of questions of public or governmental policy; such questions belong to either the legislative or the executive departments and have no place in the duties or the functions of the judiciary."

If the court were asked to determine the speed for the operation of the cars of these companies, and to require them to accommodate the operation of their cars thereto, I apprehend that few would hesitate in agreeing that such a question was one of public policy to be determined only by legislation by the enactment of laws upon the subject, and was therefore outside of the power of the court.

"My opinion," says Justice Wright, "is that the court should appreciate a difference in the principle which underlies the question which is before the court for determination here. The fixing of rates which common carriers may charge is a matter of public concern and of public policy, to be accomplished only by a legislative declaration of policy through the enactment of a law."

Not a Court Function.

"It is the function of judicial tribunals to administer existing law, not to undertake the creation and the putting into operation of new rules for the regulation of common carriers or for any other affairs."

"That the fixing of the proportionate rate which these companies should receive for the transportation of passengers amounts to legislation, seems to me very clear. I think it is conclusively shown by the fact that the rate is a matter of public policy, and is one of those questions which are forever an end of it between the parties. For the illustration let it be assumed that the court had proceeded to decree that the plaintiff should receive a certain proportion and the defendant a certain proportion of the fare. The fare charged for the carriage of such persons as were transferred from the cars of one company to those of the other for a continuous ride."

Regarded as Most Important.

The negotiations regarding the triple alliance are of the most important character, as it is conceivable that they might even result in the withdrawal of Italy from the alliance and the consequent strengthening of the triple entente between Great Britain, France and Russia.

The Italian ambassador to Berlin is in Rome, where he is giving verbal reports to the foreign minister, the Marquis Di San Giuliano, as to the disposition of the case.

DEFENDANTS GIVEN TIME.

Answer of Steel Corporation Need Not Be Filed Until February 1.

TRENTON, N. J., December 26.—United States District Attorney Vreeland in the United States circuit court today announced a further extension of time had been granted for the filing of answers in the suit of the government for the dissolution of the United States Steel Corporation. The time was extended from the first Monday in January to February 1 in the case of the United States Steel Corporation itself, and for twenty-five or thirty other defendants in the case.

The extension was granted by the court on the approval of the Department of Justice.

The only defendants out of the entire sixty who have not asked for an extension of time are the defendants John D. Rockefeller, Jr., the Minnesota group of mining and land companies sued on January 1, and thus far they have not asked for further time. It is believed, however, that the defendants who ask for it will have their time for filing answers extended to February 1.

Young Men's Don'ts.

Physician Gives Advice Regarding Conduct and Courtesy.

BROCKTON, Mass., December 26.—Dr. Albert Marion Hyde, who recently formulated ten "don'ts for women," which have been spread broadcast, has just announced another set of "don'ts," this time intended for young men. They were made public as a part of his Christmas celebration, included in the list are the following:

"Do not speak of the 'old gent' and the 'old woman.' Fathers and mothers are a necessary evil in the present system of things. They have spoken respectfully of you when outsiders could not see anything on which they could hang even a small compliment."

"Do not give all your attention to the education of the brains on the outside of your head. Foot ball and a letter on shirt are not a sufficient training for life."

"Do not put the money of your father and your washerwoman in five-dollar opera seats and two-dollar theater tickets. They may prefer to spend their earnings in some other way."

"Do not try to get rich quick; smarter men than you, who have come to town without a cent, have tried it and lost all they had."

Dr. Mayo Doing Well.

NEW YORK, December 26.—It is said at the Presbyterian Hospital this morning that Dr. C. C. Mayo, the eminent surgeon of Rochester, Minn., had spent a fairly good night and that his condition today was satisfactory. The doctor is recovering from recent operations for appendicitis and gall stones.



"SEASONABLE" GIFTS.

ITALY AND THE POWERS DISCUSS WAR IN TRIPOLI

Renewal of Triple Alliance Also Topic of the Communications.

ROME, December 26.—An exchange of communications between the Italian foreign office and the chancelleries of other European powers is proceeding at the present moment with the greatest activity. The subject of the communications is the war in Tripoli, but the question of the renewal of the triple alliance between Germany, Austria-Hungary and Italy also is being discussed.

Efforts are being made both by the government in Constantinople and the Italian foreign office to find a possible basis for the conclusion of peace between the two countries.

When the first order was issued stories from the zone stated that the Christian Scientists there were aroused by the fear that an attempt had been made to strike at them.

The President gave prompt consideration to the matter and consulted with law officers of the government as to the legal phases.

Anxious to Remove Doubt.

All of them, including the President, were of the opinion that there would be no discrimination under the terms of the order, but so that all doubt might be eliminated the President today signed an amended order that will prevent any discrimination against the doctrines of the Christian Science Church.

Section 1 requires that for the practice of the professions named a license must be obtained from the board of health of the Canal Zone, punishment being prescribed for those failing to do so. The third section of the amended order, of most interest to Christian Scientists, is as follows:

Amended Regulations.

"Section 3. Any person shall be regarded as practicing medicine within the meaning of this order who shall prescribe for operation on or in any wise attempt to heal, cure or alleviate, or who shall in any wise treat any disease, or any physical or mental ailment of another; provided, that nothing in this order shall be construed to prohibit (a) the practice of the religious tenets of any church in the ministrations of the sick or suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation, provided that such sanitary laws, orders, rules and regulations as now are, or hereafter may be, in force in said Canal Zone are complied with; or (b) gratuitous services in case of emergency; or (c) the administering of ordinary household remedies."

"Section 4. This order shall take effect on January 1, 1912."

COSTLY GIFTS BARRED.

Crusade Against Presents to Railway Officials by Supply Houses.

CHICAGO, December 26.—A crusade started some time ago against the practice of certain railway supply concerns of giving expensive Christmas gifts to railroad officials who are in a position to influence the granting of contracts resulted this year in a marked falling off in the number of these presents.

According to information from several of the roads running into Chicago the protests made against the practice caused many supply concerns to abandon the practice altogether. Other concerns this year distributed only Christmas cards or other inexpensive remembrances.

Cardinal Motors to Naples.

ROME, December 26.—Cardinal O'Connell departed early this morning in a motor car for Naples. He intends to pay a visit to the town of Taormina, in the province of Messina, Sicily, before embarking for Boston.

TAFT CHANGES RULE Christian Scientists Are Not Barred From Canal Zone.

NO DISCRIMINATION MEANT But in Order to Remove Any Doubt Amendment Is Made to the Regulations.

CHICAGO, December 26.—When the trial of the ten Chicago meat packers indicted for alleged criminal violation of the Sherman anti-trust law since last before United States District Judge George A. Carpenter, Attorney John S. Miller in behalf of the packers created a surprise by reviving the famous immunity plea successfully used by the packers several years ago, when they were prosecuted by the government.

Attorney Miller moved that all testimony in the present case relating to transactions prior to July 1, 1905, be excluded as incompetent. Counsel contended that the immunity plea applied to all of the ten defendants who testified before the Garfield investigating commission.

Makes Plea for Immunity.

"Substantially our objections were stated in our plea in abatement before the opening of this trial," said Attorney Miller. "All of these defendants gave testimony before the Garfield commission in 1905 and on the immunity plea seven of these defendants were acquitted. Tilden, Heyman and Fowler were not indicted at that time, and that is why this plea of immunity was not put forward in their cases. It is our contention that the plea should be allowed in the present case as well as in behalf of the other seven."

Counsel for the government contested the motion on the ground that the court had already passed on the question in ruling against the plea in abatement. Judge Carpenter reserved decision on the motion and directed the government to proceed with its case.

Says He Joined National Packing Co.

Albert H. Veeder, attorney for Swift & Co., was the first witness. In reply to questions, Attorney Veeder said he planned to discontinue the case of Swift & Co. corporation, in 1905, and has been counsel for the corporation ever since, and said that on numerous occasions he served as a director of Swift & Co. and its subsidiary companies.

The witness said he assisted in the organization of the National Packing Company March 18, 1903, and served as a director for sixty days. Later he acted as general counsel for the corporation for a year. He said Swift, Armour and Morris owned the stock of the National Packing Company.

WOMAN'S POLITICAL PLUM.

Miss Hadrich of Marquette to Serve as Governor's Secretary.

LANSING, Mich., December 26.—For the first time in the history of the state of Michigan, unless Gov. Osborn changes his mind, a woman will act as private secretary to the chief executive. Miss Mary F. Hadrich of Marquette, for several years private secretary to Charles S. Osborn, and now in Gov. Osborn's office as his executive clerk, it is understood, soon to be named as general counsel for the corporation for a year. He said Swift, Armour and Morris owned the stock of the National Packing Company.

Mutiny Reported in Russia.

LONDON, December 26.—A news agency dispatch from St. Petersburg reports that a mutiny has broken out at the naval ordnance yard. Measures for quelling the disorder have been taken by the authorities and several mutineers have been wounded by the troops sent to repress the insubordination.

CHICAGO MEAT PACKERS MAKE IMMUNITY PLEA

Based on Defendants Giving Testimony Before Garfield Commission in 1905.

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LONDON IS STIRRED

Apprehension Felt Over Russo-Persian Difficulties.

MORE DISORDER EXPECTED

No Authentic Reports of Alleged Massacre at Resht.

SHUSTER'S FATHER UNADVISED

Has No Direct Word of Retirement of Treasurer General—Guest of Charge d'Affaires.

Special Dispatch to The Star.

LONDON, December 26.—The proclamation of martial law at Tehran following the dismissal of W. Morgan Shuster by the Persian cabinet and the fragmentary reports received as to a bloody massacre by Russian soldiers and Resht are causing serious apprehension here. Little additional information regarding the reported massacre has been received.

According to the latest advices, the main trouble occurred last Sunday, when the Russian guards, in the city of Resht, numbered 500, including some women and children. Direct dispatches from Tehran make no reference to these serious conflicts, and a report from the Russian consul at that point states that order is now restored, although he is preparing for further outbreaks.

The strategic point of Tabriz, 350 miles to the northwest of Tehran, is another center of constant and serious collisions between the Russian